TITLE 16
BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

EMISSION INSPECTION SYSTEM REVISIONS
SPECIFICALLY
VEHICLE LOOKUP TABLE ROW SPECIFIC EMISSIONS STANDARDS (CUTPOINTS);
PASS/FAIL CRITERIA FOR ON-BOARD DIAGNOSTIC SYSTEM READINESS MONITORS;
REVISIONS TO EMISSION INSPECTION SYSTEM SPECIFICATIONS;
AND
DISABLING PROCESS FOR NON-COMPLIANT EMISSION INSPECTION SYSTEMS

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

SOUTHERN CALIFORNIA

March 23, 2009, 1:00 p.m.
Bureau of Automotive Repair
Conference/Training Room
1180 Durfee Avenue, Suite 120
South El Monte, CA 91733

NORTHERN CALIFORNIA

March 25, 2009, 10:00 a.m.
Contractors State Licensing Board
Hearing Room
9821 Business Park Drive
Sacramento, California 95827

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on April 1, 2009,** or must be received by the Bureau at one of the above referenced hearings. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to.** The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the

proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Sections 44002, 44003, 44012, 44013 and 44036 of the Health and Safety Code and Section 9882 of the Business and Professions Code, and to implement, interpret or make specific Sections 39032.5, 44002, 44003, 44005, 44011, 44011.3, 44012, 44013, 44014.5, 44015, 44017, 44032, 44036, 44062.1 and 44081 of the Health and Safety Code, and Sections 9884.8 and 9884.9 of the Business and Professions Code; the Bureau is proposing to adopt the following changes to Article 5.5 of Chapter 1, Division 33, Title 16, California Code of Regulations:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Bureau of Automotive Repair (BAR), within the Department of Consumer Affairs, is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources, such as passenger vehicles and trucks, by requiring that these vehicles meet specific emissions standards. To ensure uniform and consistent vehicle testing, BAR licenses Smog Check stations and technicians and certifies inspection equipment.

This regulatory proposal implements the following four enhancements to the Smog Check Program:

I. A revision of the emissions standards (cutpoints) to more accurately reflect the emission performance capability of individual vehicles. This proposed action will revise cutpoints based on analyses and recommendations from a report completed by Sierra Research (Sierra).

II. The inclusion of pass/fail criteria for On-Board Diagnostic (OBDII) system readiness monitors. This proposed action complies with the U.S. Environmental Protection Agency (USEPA) Inspection and Maintenance (I/M) Rule, which requires a test of the OBDII readiness monitors in order to determine whether the OBDII system is functioning properly.

III. Incorporate by reference the revised Emission Inspection System (EIS) Specifications. The EIS Specifications are revised to accommodate the proposed Vehicle Lookup Table (VLT) Row Specific Emissions Standards (Cutpoints) and the proposed pass/fail criteria for OBDII system readiness monitors. Also included in the revised EIS Specifications are modifications that will allow Smog Check inspections on diesel-powered vehicles.

IV. Clarification of existing language that prevents a station from using a non-compliant EIS to perform Smog Check inspections by specifying how the EIS will be disabled through the Vehicle Information Database (VID).

The proposed action also includes several minor technical, grammatical and editorial changes that have no regulatory effect or that are conforming.

BACKGROUND:

VLT Row Specific Emission Standards

Motor vehicles that require a loaded-mode Acceleration Simulation Mode (ASM) emissions test fail the emission portion of the Smog Check inspection when their emission readings exceed values specified in one of the cutpoint tables included in California Code of Regulations (CCR) section 3340.42. The table for passenger cars and light-duty trucks consists of only 52 different cutpoint categories. However, over 21,000 different vehicle configurations currently exist in the affected vehicle population. Research commissioned by the Air Resources Board (ARB) and BAR has shown that group-specific cutpoints would reduce emissions of hydrocarbons and oxides of nitrogen by an estimated 5.5 – 7.8 tons per day, depending on the stringency of the new cutpoints.

In a 2004 Smog Check Program evaluation report required by USEPA, ARB and BAR noted that there were large differences between the average emissions of vehicles passing the Smog Check inspection and those that had failed and subsequently received repairs. For example, average hydrocarbon emissions were 0.76 grams per mile for passing vehicles and 1.09 grams per mile for vehicles that failed Smog Check, were subsequently repaired, and then passed a retest. In other words, a vehicle that passes its initial test is, on average, only 30 percent cleaner than a vehicle that passes a follow-up test after an initial failure. The agencies concluded that vehicles were not being fully repaired and announced plans to study the benefits of requiring more stringent after-repair cutpoints to encourage more thorough emissions-related repairs. However, in a 2005 study commissioned by ARB and BAR and performed by Sierra Research, it was determined that more meaningful benefits could be cost effectively achieved by tightening the initial emission failure cutpoints for selected vehicles that normally operate much cleaner than current cutpoints require.

When loaded-mode testing began in 1998, ARB and BAR created broad emission standard categories to be used for the Smog Check pass/fail decision on a vehicle's tailpipe emissions. Cutpoints were calculated within each emission standards category (ESC) as a function of individual vehicle test weight to better approximate the stringency of the Federal Test Procedure (FTP) test for new vehicles. While the current cutpoints do, on the whole, correlate reasonably well with a vehicle's performance on the FTP test, they do not take into account individual vehicle design considerations that may affect a vehicle's performance during the ASM test.

The study conducted by Sierra provides a compelling argument for a viable alternative to after-repair cutpoints and provides for significant emission reductions with a simple implementation process. Sierra compared Wisconsin and Arizona emissions data to California's. Both Wisconsin and Arizona use "transient testing" that more closely mimics the FTP test and actual driving conditions than the ASM steady state procedure used in California. Sierra divided

vehicles into many categories, using model-year, manufacturer, make, model, engine displacement, and other factors.

Sierra's analysis only examined 1976 through 1995 model-year vehicles because comparable loaded-mode data for vehicles newer than the 1995 model-year were not available from either Wisconsin or Arizona.[1] For this reason, revised cutpoints for 1996 and newer vehicles could not be generated using the procedure developed by Sierra. For California's Smog Check Program, inspection procedures for 1996 and newer vehicles includes both the loaded-mode ASM and the OBDII tests.

For 1976 through 1995 model-year vehicles, Sierra estimated that ASM failure rates could be increased from 10.4 percent to between 11.9 percent and 12.8 percent. This could be done while maintaining the error of commission rate (falsely failing vehicles) well within the statutory limit[2] of 5 percent. Further, Sierra estimated the emissions benefits include up to 7.8 tons per day (tpd) of Reactive Organic Gases (ROG) and Oxides of Nitrogen (NOx) and estimated the cost effectiveness of these emissions reductions to be up to $8,200 per ton in 2010.

The procedure for utilizing VLT row specific cutpoints already exists within the current BAR-97 specifications. In all cases, the EIS software first accepts vehicle specific cutpoints passed down through the VID to the EIS. If no cutpoints are passed down, the EIS then accesses the VLT, resident on the EIS, to determine if vehicle-specific cutpoints exist. When the cutpoints are present, the software will use those cutpoints to determine the pass/fail result for a vehicle during the emissions portion of the inspection. If cutpoints are not found for the specific VLT row in question, the software will assign cutpoints based upon Tables I or II in the BAR regulations.

Pass/Fail Criteria for On-Board Diagnostic System Readiness Monitors

The USEPA required new vehicle manufacturers to incorporate On-Board Diagnostic (OBD) systems into all 1996 and newer model-year vehicles. An On-Board Diagnostic system is controlled by a computer located in the vehicle that alerts motorists via a dashboard display when either emission control components or powertrain systems that affect emissions are not functioning correctly. It is designed to encourage motorists to seek repairs in order to clear the dashboard display as a proactive means of addressing air quality issues.

The OBD system performs diagnostics on emission-related components by monitoring the system as the vehicle is being operated. (Thus, these self-diagnostic tests are commonly referred to as "monitors.") Some of the monitoring is done continuously while the vehicle is being driven and other monitors only operate under certain conditions. If there is a malfunction of the vehicle's components subject to monitoring, the OBD system records a code that indicates which component failed (referred to as a diagnostic trouble code or "DTC"). At the same time, a dashboard display illuminates the malfunction indicator light or "MIL". The DTC and MIL remain until the OBD monitor reruns without finding a malfunction, presumably after the vehicle

[1] Both of those states' programs inspect 1996 and newer vehicles using the OBDII protocol exclusively, in place of loaded-mode tests.
[2] Health and Safety Code section 44013

component has been repaired. Technicians can manually clear both the DTC and the MIL to verify their repairs.

USEPA's Inspection and Maintenance (I/M) Rule, 40 Code of Federal Regulation (CFR) Parts 51 and 85, set the guidelines for vehicle I/M programs nationwide to require a periodic test of the On-Board Diagnostic (OBD) System. An OBD inspection has been included as part of the Smog Check test since 2002. The OBD system test includes a check to see if there are any stored DTCs, if the MIL is illuminated, and if the light bulb for the MIL is operational.

In addition, because DTCs can be cleared on purpose or by accident[3] prior to a Smog Check inspection, a check is made to ensure that the monitors have performed a diagnostic check of the emission control components since the last time the computer was reset. This check is referred to as a "readiness monitor check." Due to the fact that some early OBD systems have difficulty performing diagnostic checks on specific components, some vehicles equipped with the early OBD systems are unable to report that all the monitors have completed their diagnostic check. To accommodate these early OBD systems, the I/M Rule permits continuation of the OBD test on 1996-2000 model-year vehicles providing no more than two monitors have yet to complete a diagnostic check. For model-year vehicles 2001 and newer, the I/M Rule permits continuation of the test if no more than one monitor has yet to complete a diagnostic check.

Currently, California's Smog Check Program applies the federal standard for 1996 to 2000 model-year vehicles of "no more than two monitors" to all 1996 and newer vehicles. By applying the more lenient standard for older OBD equipped vehicles to vehicles with newer, more sophisticated OBD systems, California is not taking full advantage of the OBD technology.

For example, in 2007, approximately five percent of 2001 and newer model-year vehicles passed the Smog Check test with two monitors not ready, and would have failed if the standard proposed by this regulatory action was in place. As a result, an opportunity for identifying vehicles with repairable emission defects (thereby reducing harmful pollution) is not realized under California's current readiness requirements.

The process for assigning model-year-specific OBDII readiness requirements already exists. The analyzer software obtains vehicle specific OBDII readiness information directly from the VLT. When limits are not available in the VLT, the software uses limits provided to the EIS through the VID.

Revisions to Emission Inspection System Specifications

Health and Safety Code section 44036 allows the department to revise the emissions inspection system specifications for Smog Check equipment annually if the cost of implementing the revision is less than 20 percent of the total system cost. More extensive revisions may also be required, but not more often than every 5 years. The specification revisions necessary to implement the revised VLT and implement revised OBDII readiness criteria are relatively simple and inexpensive. Current estimates place the cost of the update at less than $300 per EIS system,

[3] For example, DTC clearing can occur if a vehicle battery cable is intentionally disconnected or accidentally becomes disconnected from the battery. This causes the OBD system to lose all stored information.

well within the 20 percent limit when considering that an EIS system retails in the $23,000 to $36,000 range. Furthermore, the specifications were last revised in December 2001. Equipment manufacturers have been allowed to review and comment on the revised specifications, as required in H&S Code section 44036.

The current version of the *BAR-97 Emission Inspection System Specifications,* dated May 1996, revised December 2001, and incorporated by reference in CCR Section 3340.17(b) requires updating to allow the BAR-97 EIS to store multiple VLTs, provide a method for instructing analyzers which VLT table to reference for each vehicle being tested, and incorporate a method for assigning model-year-specific default records in place of the model-year-generic default records used in the past. Also included in the revised EIS Specifications are modifications that will allow Smog Check inspections on diesel-powered vehicles as required by law.[4] The formal diesel test procedures and any other items related to testing diesel vehicles less than 14,000 Gross Vehicle Weight Rating (GVWR) will be addressed in a future regulation. The decision to include both cutpoints and diesel updates in the revised EIS Specifications was made to minimize fiscal impact to the State.

Disabling Process for Non-Compliant Emission Inspection Systems

Mandatory Smog Check inspections must be performed using Smog Check test equipment certified by BAR. This includes the software that operates the equipment. Currently, the Smog Check test is performed statewide using the BAR-97 EIS. Periodically, new or updated hardware and/or software are required to either address program changes or defects in the equipment or software. BAR certifies the revised hardware and/or software. Smog Check stations are notified of the changes and provided with a deadline for installing the updated hardware and/or software (identified by a unique version number).

In order to ensure that official Smog Check inspections are performed uniformly, BAR works with the stations and the private companies that create and update the software and hardware to minimize the amount of time that stations are operating with different versions. Regardless, some stations continue to perform tests without the latest version of BAR-certified hardware and/or software. As a result, vehicle owners could be subject to inconsistent inspections and mandated program changes may not be performed by all Smog Check stations.

Currently, BAR has the authority to disconnect any EIS that does not comply with the hardware and software requirements and specifications from the Bureau's centralized computer database and network. As a result, Smog Check stations are prohibited from performing Smog Check inspections and are unable to transmit certificates of compliance to the Department of Motor Vehicles until they are brought into compliance.

This regulatory amendment clarifies existing language that prevents a station from using a non-compliant EIS to perform Smog Check inspections by specifying how the EIS will be disabled through the VID.

[4] Chapter 739, Statutes of 2007 (AB 1488, Mendoza)

CURRENT REGULATION:

Existing regulation in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 5.5, is summarized as follows:

Section 3340.17 specifies the test equipment, electronic transmission, and maintenance and calibration requirements that are necessary in order to conduct the Smog Check inspections. This section also incorporates by reference the emission inspection system specifications necessary to Smog Check test equipment.

Section 3340.42 prescribes various inspection and test procedures that are to be performed in the course of a Smog Check inspection. This section also establishes the cutpoints applicable to vehicles subject to the Program. The standards are set forth in three tables that also include provisions for limited adjustment of the individual cutpoints.

There is no current regulation addressing the pass/fail criteria for On-Board Diagnostic System Readiness Monitors.

EFFECT OF REGULATORY ACTION:

The proposed action will make the following changes to existing regulation:

1. Amend Section 3340.17 of Article 5.5 of Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

    a. Amend subsection (b) to change the revision date of the EIS Specifications, incorporated by reference from December 2001 to August 2008.

    b. Amend subsection (g) as follows: “disconnected from the bureau’s” has been changed to read “disabled from communicating with the bureau’s” and “also known as the Vehicle Information Database (VID)” has been inserted. A sentence has been added to the end of the paragraph stating “When any non-compliant EIS communicates with the VID, the Bureau will send a command from the database to disable the ability of the EIS to perform Smog Check tests or inspections.”

2. Amend Section 3340.42 of Article 5.5 of Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

    a. The first sentence of Section 3340.42 is edited to include BAR-97 Emissions Inspections System Specifications referenced in Section 3340.17 (a) and Section 3340.42.2.

    b. Amend subsection (a) as follows: “The loaded mode test method,” has been changed to read “A loaded mode test,” and “to inspect vehicles

registered" has been inserted. "The loaded-mode test equipment shall be… (ASM)" has been edited to read "The loaded-mode test shall use… (ASM)." Amend subsection (1) to replace "driving wheels" with "drive wheels."

c. Amend subsection (3) to add language stating that the current emission standards tables will remain in use until such time as a revised cutpoint table(s) is adopted into regulation and activated.

d. The current subsection (4) is renumbered to (5) and a new subsection (4) is added to incorporate by reference the new *Vehicle Lookup Table (VLT) Row Specific Emissions Standards (Cutpoints) Table*, dated August 30, 2008, which will include the new row specific cutpoints table to be used with the ASM test. When activated, the new row specific table will take precedence over the current cutpoint Tables I and II. The current Tables I and II will be used as defaults for vehicles not included in the new row specific table. This subsection indicates that exhaust emissions shall be measured and compared to the applicable emissions standards contained in the *VLT Row Specific Emissions Standards (Cutpoints) Table* or Tables I and II, for purposes of determining whether the vehicle fails or passes the ASM emissions test portion of a Smog Check inspection.

e. The first sentence of subsection (b) is edited to change "The two-speed idle" to "A two-speed idle," and to insert "unless otherwise specified" and "to inspect vehicles registered." The first sentence is also edited to replace "other than the enhanced program areas" with "except those areas where the enhanced program has been implemented." A sentence has been added to the end of the paragraph which matches the language in subsection (4) stating that a vehicle passes the test if all of its emissions are less than or equal to the standards specified in the applicable tables.

f. In subsection (d)(3), "Fuel Evaporative Controls" is changed to read "Liquid Fuel Leak."

g. In subsection (g)(1), "loaded-mode testing method" has been changed to "loaded-mode test."

h. In paragraphs (1) and (3) of subsection (h), "Tables I, II or III" has been changed to "the tables described in subsections (a) and (b), as applicable."

3. Add 3340.42.2 Pass/Fail Criteria for On-Board Diagnostic System Readiness Monitors

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

BAR plans to absorb the cost associated with the software update.

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES:

None.

LOCAL MANDATE:

None.

COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRE REIMBURSEMENT:

None.

BUSINESS IMPACT:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

VLT Row Specific Emission Standards

The proposed action will revise cutpoints based on analyses and recommendations from a report completed by Sierra Research (Sierra) in July 2005. The fact that the Smog Check industry would expect additional repair revenue potentially generated from repairing vehicles that fail due to the revised cutpoints support that this regulation will not impose adverse impact on businesses.

Pass/Fail Criteria for On-Board Diagnostic System Readiness Monitors

The proposed action complies with the U.S. Environmental Protection Agency Inspection and Maintenance (I/M) Rule, which requires a test of the OBDII readiness monitors in order to determine whether the OBDII system is functioning properly. The fact that the Smog Check industry would expect additional repair revenue potentially generated from repairing vehicles that fail due to OBDII support that this regulation will not impose adverse impact on businesses.

Revisions to Emission Inspection System Specifications

The proposed action incorporates by reference the revised EIS Specifications. The revisions include the VLT update, pass/fail criteria for OBDII system readiness monitors, and the addition of the diesel functionality. The fact that BAR is absorbing the cost associated with this proposed action supports that this regulation will not impose adverse impact on businesses.

Disabling Process for Non-Compliant Emission Inspection Systems

The proposed action clarifies existing language that prevents a station from using a non-compliant EIS to perform Smog Check inspections by specifying how the EIS will be disabled through the VID. The fact that this regulation does not enact additional requirements, rather it clarifies action that is to be taken with non-compliant EIS, supports that it will not impose adverse impact on businesses.

IMPACT ON JOBS/NEW BUSINESSES:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, other than the Business Impact described above, and that are known to the Bureau are:

VLT Row Specific Emission Standards

Smog Check Station Impact

More stringent cutpoints will result in an increased failure rate and additional retest inspections for vehicles that initially fail the Smog Check inspection.

Smog Check stations that perform repairs will derive revenue through increased repairs necessary to correct failing vehicles. Stations that perform retests may derive revenue through additional inspection fees. In its report, Sierra Research estimated that failure rates could be increased from 10.4 percent to between 11.9 percent and 12.8 percent with the implementation of VLT row specific emission standards. Assuming cutpoint changes result in a two percent increase in the vehicle failure rate, it is estimated that 186,000 additional vehicles will fail out of the 9,300,000 vehicles that are tested annually. Using 2007 calendar year data, this translates to $38.5 million in additional repair revenue, based on an average repair cost of $206.82, as reported by Smog Check stations into the Smog Check inspection equipment.

Consumer Impact

Consumers with failing vehicles will be required to obtain repairs in order to pass the Smog Check inspection. It is estimated that 186,000 more consumers per year could have their vehicles fail the emissions portion of the test due to more stringent cutpoints.

Furthermore, consumers may be required to pay additional retest fees due to the implementation of this regulation. The average inspection fee is $47.26 and the average repair cost is $206.82. This results with a total consumer impact of $254.08.

However, for low-income consumers and consumers directed to Test-Only or Gold Shield stations, BAR has a program in place to help mitigate the cost of emissions-related repairs needed to bring a vehicle into compliance with the Smog Check Program. The Consumer Assistance Program (CAP) provides up to $500 in financial assistance toward emissions-related repairs to qualifying consumers.

BAR projects an increase in consumers seeking financial assistance under CAP to repair their vehicles as a result of this regulation, which can be absorbed within existing resources.

Overall, better identification of high emitting vehicles via VLT row-specific cutpoints offers more opportunity to reduce air pollution through emissions reducing repairs. Californians will benefit from improved health and reduced medical costs from better air quality.

Pass/Fail Criteria for On-Board Diagnostic System Readiness Monitors

Smog Check Station Impact

Revising the OBDII requirement for 2001 and newer model-year vehicles will result in an increased failure rate and additional retest inspections for vehicles that initially fail the inspection.

Smog Check stations that perform repairs will derive revenue through increased repairs necessary to correct failing vehicles. Stations that perform retests may derive revenue through additional inspection fees. Based on Smog Check program data, an estimated 100,000 additional vehicles would have failed in calendar year 2007 from the 2,300,000 vehicles that are model-year 2001 and newer. However, vehicles with more than one unset readiness monitor, resulting in a failure, may not necessarily have repairable defects. Instead, additional time may be necessary to allow the monitors time to complete the diagnostic tests. Thus, the potential repair revenue associated with these additional failures is difficult to accurately quantify, but could be as much as $20.7 million in additional repair revenue, based on an average repair cost of $206.82, as reported by Smog Check stations into the Smog Check inspection equipment.

Consumer Impact

Consumers with failing vehicles will be required to obtain repairs in order to pass the Smog Check inspection. It is estimated that 100,000 more consumers per year will have vehicles that fail the OBDII portion of the test due to the change in the readiness monitor requirement.

Furthermore, consumers may be required to pay additional retest fees due to the implementation of this regulation. The average inspection fee is $47.26 and the average repair cost is $206.82. This results with a total consumer impact of $254.08.

For low-income consumers and consumers directed to Test-Only or Gold Shield stations, BAR has a program in place to help mitigate the cost of emissions-related repairs needed to bring a vehicle into compliance with the Smog Check Program. The Consumer Assistance Program (CAP) provides up to $500 in financial assistance toward emissions-related repairs to qualifying consumers.

Overall, better identification of newer vehicles needing repairs using existing OBD technology offers more opportunity to reduce air pollution. Californians will benefit from improved health and reduced medical costs from better air quality.

Revisions to Emission Inspection System Specifications

The revision of the EIS Specifications and incorporation by reference of the updated version will have no adverse impact on businesses.

BAR plans to absorb the cost associated with the software update; thus, Smog Check stations will not incur the additional expense traditionally associated with such an update.

Disabling Process for Non-Compliant Emission Inspection Systems

This regulatory amendment clarifies existing language that prevents a station from using a non-compliant EIS to perform Smog Check inspections by specifying how the EIS will be disabled through the VID. There is no new business or consumer impact associated with this proposed change to the language.

EFFECT ON HOUSING COSTS:

None.

EFFECT ON SMALL BUSINESS:

The Bureau has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative, which it considered or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California, 95827.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Virginia Vu
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2135
Fax No.: (916) 255-1369
E-mail: virginia_vu@dca.ca.gov

The backup contact person is:

Kathy Runkle
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-4300
Fax No.: (916) 255-1369
E-mail: kathy_runkle@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at www.smogcheck.ca.gov.